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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,295	01/03/2006	Shinichi Yoshioka	2005-2073A	1258
52349	7590	05/13/2008		
WENDEROTH, LIND & PONACK LLP. 2033 K. STREET, NW SUITE 800 WASHINGTON, DC 20006			EXAMINER	
			MANCHO, RONNIE M	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/563,295	<b>Applicant(s)</b> YOSHIOKA, SHINICHI
	<b>Examiner</b> RONNIE MANCHO	<b>Art Unit</b> 3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 January 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 3-10 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 2 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449)  
 Paper No(s)/Mail Date 1/25/08
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The amendments to the specification dated 1/28/08 have been acknowledged and entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. AS Best Understood, claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayashi et al (6144318).

Regarding claim 1, Hayashi et al (figs. 1, 2-5, 10, 20; abstract; col. 1, lines 39-67; col. 2, lines 38-42, col. 3, lines 60-67; col. 5, lines 1-8; col. 18, lines 21 to col. 19, line 20) disclose a navigation apparatus comprising:

a geography interpreting 1 (fig. 1; abstract; col. 3, lines 60 to col. 4, line 10) section configured to:

interpret, after a destination is assigned by a user, geography of an area around the destination (col. 5, lines 1-8) by using map data stored in a storage medium 3 (col. 4, lines 53-67); and

to generate geographic information for indicating a characteristic of the area around the destination as a voice output (col. 1, lines 55-58; col. 18, lines 21 to col. 19, line7) ; and

a voice output section 16 configured to output the voice output, in response to only the assigning of the destination by the user, in accordance with the geographic information generated at the geography interpreting section 1 (col. 1, lines 55-67).

*It is noted in Hayashi (column 1, lines 42-47) that guidance information comprises roads, building shapes, landmark information. Then Hayashi (col. 1, lines 55-67) indicates that the guidance information as defined above is guidance to a destination, wherein the guidance is output by voice. Hayashi (col. 18, lines 21 to col. 19, line 21) also disclose guidance data as defined above about a destination, wherein the guidance data provides building shapes, roads, landmarks around a destination. Thus the guidance data which includes building shapes, roads, etc are geographic information indicating a characteristic of the area around the destination. It is noted that the term "around" does not specify how far the area is from the destination. The guidance data is output by voice (col. 1, lines 42-58) WHEN THE DESTINATION IS ASSIGNED ONLY BY A USER, See fig. 6, step S2. Notice that step S1 is NOT assigned by the user, it is assigned by positioning unit 2 (col. 7, lines 4-15). Also note that in column 1, lines 55-67, the route guidance is done by voice.*

Regarding claim 2, Hayashi et al (figs. 1, 2-5, 10, 20; abstract; col. 1, lines 39-67; col. 2, lines 38-42, col. 3, lines 60-67; col. 5, lines 1-8; col. 18, lines 21 to col. 19, line 20) disclose the navigation apparatus according to claim 1, wherein the geography section starts interpreting the geography of the area around the destination immediately after a destination is assigned by the user.

***Response to Arguments***

4. Applicant's arguments filed 1/28/08 have been fully considered but they are not persuasive.

The objections to the claims have been vacated in view of applicant's amendments.

Applicant argues that the prior art does not disclose. The examiner disagrees.

In amended claim 1 applicant adds the new limitation, "configured to *output the voice output in response to only the assigning of the destination* by the user", emphasis added.

Applicant's specification sections 0013 indicates that the speaker 13 outputs voice according to geographic information generated at the process control section 17. Applicant goes forth in section 0016 to explain that an operation section 16 is used for inputting VARIOUS INSTRUCTIONS to the process control section 17. Next in sections 0018, and 0019 applicant explains how the invention works for example in reference to figs. 3 and 4. Applicant indicates in section 0018 that a user inputs a destination into a process control section or unit 17 which unit 17 determines whether a destination is assigned. If yes, then unit 17 interprets geography around the destination as shown in step (ST12). The processes that take place in step ST12 are described in fig. 4 as from step St21 to St 214. That is after the user enters the destination, the processing unit goes ahead to fetch and collect more data such as mountain, river, sea, pond, etc. The collected data plus the destination are then sent to the voice output section to out put the voice according to all the information gathered.

A similar process is disclosed in applicant's figs. 6. *It is noted in Hayashi (column 1, lines 42-47) that guidance information comprises roads, building shapes, landmark information. Then Hayashi (col. 1, lines 55-67) indicates that the guidance information as defined above is*

*guidance to a destination, wherein the guidance is output by voice. Hayashi (col. 18, lines 21 to col. 19, line 21) also disclose guidance data as defined above about a destination, wherein the guidance data provides building shapes, roads, landmarks around a destination.* Thus the guidance data which includes building shapes, roads, etc are geographic information indicating a characteristic of the area around the destination. It is noted that the term “around” does not specify how far the area is from the destination. The *guidance data is output by voice (col. 1, lines 42-58) WHEN THE DESTINATION IS ASSIGNED ONLY BY A USER, See fig. 6, step S2.* Notice that step S1 is NOT assigned by the user, it is assigned by positioning unit 2 (col. 7, lines 4-15). Also note that in column 1, lines 55-67, the route guidance is done by voice.

Therefore, it is believed that the prior anticipate the claims.

#### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Communication***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 571-272-6984. The examiner can normally be reached on Mon-Thurs: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronnie Mancho  
Examiner  
Art Unit 3663

4/27/2008

/Jack W. Keith/

Supervisory Patent Examiner, Art Unit 3663

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